

# House File 404 - Introduced

HOUSE FILE \_\_\_\_\_  
BY GRASSLEY, KAUFMANN, and  
TYMESON

Passed House, Date \_\_\_\_\_ Passed Senate, Date \_\_\_\_\_  
Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_ Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_  
Approved \_\_\_\_\_

## A BILL FOR

1 An Act relating to the deliberations of a compensation commission  
2 during condemnation proceedings and including an effective  
3 date provision.  
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:  
5 TLSB 1338YH 83  
6 md/sc/5

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1 1 Section 1. Section 6B.14, subsection 2, Code 2009, is  
1 2 amended to read as follows:  
1 3 2. Prior to the meeting of the commission, the commission  
1 4 or a commissioner shall not communicate with the applicant,  
1 5 property owner, or tenant, or their agents, regarding the  
1 6 condemnation proceedings. The commissioners shall meet in  
1 7 open session to view the property and to receive evidence, ~~but~~  
~~1 8 may and shall~~ deliberate ~~and vote in closed open~~ session.  
1 9 ~~When deliberating in closed session, the meeting is closed to~~  
~~1 10 all persons who are not commissioners except for personnel~~  
~~1 11 from the sheriff's office if such personnel is requested by~~  
~~1 12 the commission.~~ After deliberations commence, the commission  
1 13 and each commissioner is prohibited from communicating with  
1 14 any party to the proceeding unless such communication occurs  
1 15 in the presence of or with the consent of the property owner  
1 16 and the other parties who appeared before the commission or  
1 17 their agents. However, if the commission is deliberating in  
~~1 18 closed session, and after deliberations commence the~~  
~~1 19 commission requires further information from a party or a~~  
~~1 20 witness, the commission shall notify the property owner and~~  
~~1 21 the acquiring agency that they are allowed to attend the~~  
~~1 22 meeting at which such additional information shall be provided~~  
~~1 23 but only for that period of time during which the additional~~  
~~1 24 information is being provided. The property owner and the~~  
~~1 25 acquiring agency shall be given a reasonable opportunity to~~  
~~1 26 attend the meeting.~~ The commission shall keep minutes of all  
1 27 its meetings showing the date, time, and place, the members  
1 28 present, and the action taken at each meeting. The minutes  
1 29 shall show the results of each vote taken and information  
1 30 sufficient to indicate the vote of each member present. ~~The~~  
~~1 31 vote of each member present shall be made public at the open~~  
~~1 32 session.~~ The minutes shall be public records open to public  
1 33 inspection.

1 34 Sec. 2. EFFECTIVE DATE. This Act, being deemed of  
1 35 immediate importance, takes effect upon enactment.

2 1 EXPLANATION

2 2 This bill provides that the compensation commission that  
2 3 meets to determine damages and appraise property in a  
2 4 condemnation proceeding shall deliberate and vote in open  
2 5 session. The bill also provides that, as an exception to the  
2 6 general prohibition from communicating with a party to the  
2 7 proceeding after deliberations commence, the commission and  
2 8 each commissioner is permitted such communication if it occurs  
2 9 in the presence of or with consent of the property owner and  
2 10 the other parties or their agents.

2 11 The bill takes effect upon enactment.

2 12 LSB 1338YH 83

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